

United States District Court

WESTERN DISTRICT OF NEW YORK

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 03-CV-954

Monica J. Applewhite

v.

Robert Briber, et al

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the motion to dismiss defendants Briber, Lynch, Nichols, Wear, Grossman, Price, Rogers, Horan and Trost on the basis of judicial immunity is granted, and the complaint against these defendants is dismissed. The motion to dismiss the complaint of defendants Novello and Croll on the grounds of statute of limitations is granted. The motion for summary judgment of defendants Ciccarella and Kohn is denied, but the motion to dismiss of Ciccarella and Kohn for failure to state a claim is granted, and the complaint is dismissed.

Date: March 22, 2006

RODNEY C. EARLY,
CLERK

By: s/Deborah M. Zeeb
Deputy Clerk